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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,761	02/19/2004	Tatsuo Okuda	247595US3 CONT	2081

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314		

EXAMINER	
AGGARWAL, YOGESH K	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
11/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/780,761	Applicant(s) OKUDA, TATSUO	
	Examiner Yogesh K. Aggarwal	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/536022.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/08/2007, 02/19/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

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Specification

1. The disclosure is objected to because of the following informalities: On page 1, after the title, insert the following new paragraph. --This is a divisional of Application No. 09/536,022, filed March 27, 2000, now Patent number 7,057,660 -- Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-8, 10-13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fellegara et al. (US Patent # 5,845,166).

[Claim 1]

Fellegara teaches a digital camera (See A/D converter 118 in figure 6), comprising:

a camera body (figure 2, body 10);

an optical system having a lens (lens 84 shown in figure 6 that is part of the digital imaging optical system 16 shown in figures 2 and 6) positioned on a first side of said camera body (10);

and a cover device (cover 12) configured to cover said lens (84) and includes a cover member to cover and uncover said lens by sliding in a vertical direction at the first side of said camera body (figures 1 and 2, col. 3 lines 44-50).

[Claim 2]

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Fellegara teaches wherein said lens is arranged at an upper edge of the first side of said camera body (See figure 2, wherein digital optical system 16 having lens 84 is part of the digital optical system 16 is arranged at an upper edge of the first side of the camera body).

[Claim 4]

Fellegara teaches wherein said cover device is configured to actuate a power switch to said digital camera when said cover device is moved from a closed position to an open position (col. 10 lines 7-17).

[Claim 5]

Fellegara teaches a display device (figure 5, display 36) positioned on a second side of said camera body, wherein said second side of said camera body is opposite to said first side of said camera body (col. 4 lines 35-38).

[Claims 6, 8, 10 and 11]

See Examiner's notes regarding rejection of claims 1, 2, 4 and 5 respectively.

[Claim 7]

Fellegara teaches wherein said lens cover is slidably actuated between an open position and closed position (figure 1 shows a closed position and figure 2 shows a lens cover slidably moved to an open position, col. 3 lines 44-50).

[Claims 12, 13, 15-16]

These are method claims corresponding to apparatus claims 1, 2, 4 and 5 respectively. Therefore these claims have been analyzed and rejected based upon apparatus claims 1, 2, 4 and 5.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (US Patent # 5,845,166) in view of Kobayashi et al. (US Patent # 6,278,846).

[Claim 3]

Fellegara teaches a flash device (18) but fails to teach wherein said cover device is configured to cover said flash device. However Kobayashi teaches (figure 1) a camera case 4 that covers up all sides of the camera body 3 except a right end portion in FIG. 1, shielding almost all photographic elements of the camera 2, including a taking lens 6, a lens barrel 7, and a flash projector 8 of a built-in flash device (col. 7 lines 3-12, figures 1 and 2). Therefore taking the combined teachings of Fellegara and Kobayashi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used a camera case as taught in the Kobayashi to cover the flash and lens of Fellegara in order to protect the flash window and lens when the camera is not in use thereby ensuring the safety and longevity of the camera.

[Claim 9]

See Examiner's notes regarding rejection of claim 3.

[Claim 14]

This is a method claim corresponding to apparatus claim 3. Therefore this claim has been analyzed and rejected based upon apparatus claim 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA
October 29, 2007

